



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,205	09/18/2000	Nathan F. Raciborski	19396-000300US	4086

20350 7590 01/30/2004

TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

BAUGH, APRIL L

ART UNIT PAPER NUMBER

2141

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/665,205

Applicant(s)

RACIBORSKI ET AL.

Examiner

April L Baugh

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-4 & 6-11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 17 and 18 rejected under 35 U.S.C. 102(a) as being unpatentable by Non-Patent Literature, “Locating Copies of Objects Using the Domain Name System” to Kangasharju et al..

Referring to claim 17, Kangasharju et al. teaches a content serving system for tracking content objects, the content serving system comprising: a content server comprising one or more content objects; a plurality of content exchanges remotely located from the content server comprising copies of the one or more content objects and partial copies of the one or more content objects (page 1, column 1, lines 2-9 and page 2, column 2, lines 29-44); a local content catalog comprising information on the one or more content objects stored on the content server (page 3, column 1, lines 13-16); and content location information comprising location information for the one or more content objects (page 1, column 1, lines 11-14 and 24-26).

Referring to claim 18, Kangasharju et al. teaches the content serving system for tracking content objects of claim 17, wherein each content exchange comprises a content store for caching the copies and partial copies (page 1, column 1, lines 2-9).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-12, and 14-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Non-Patent Literature, "Locating Copies of Objects Using the Domain Name System" to Kangasharju et al. in view of Ahuja et al.

Referring to claim 1, Kangasharju et al. teaches a content serving system for tracking content objects stored on a plurality of remotely-located content exchanges, the content serving system comprising: a content server coupled to the content source and comprising one or more content objects, wherein the content server provides copies and partial copies of the one or more content objects (page 1, column 1, lines 2-9 and page 2, column 2, lines 29-44); a local content catalog comprising information on the one or more content objects stored on the content server (page 3, column 1, lines 13-16); and content location information remotely located from the content exchanges and comprising location information for the copies and partial copies (page 1, column 1, lines 11-14 and 24-26).

Kangasharju et al. does not teach a content source. Ahuja et al. teaches a content source providing a content object (column 3, lines 61-64). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the location data system

Art Unit: 2141

of Kangasharju et al. by having a content source because the content stored on the content server and replicated servers must be provided from some source that creates the content.

Referring to claim 9, Kangasharju et al. teaches a content serving system for tracking content objects stored on a plurality of remotely-located content exchanges, the content serving system comprising: a content server coupled to the content source and comprising one or more content objects, wherein the content server provides copies and partial copies of the one or more content objects (page 1, column 1, lines 2-9 and page 2, column 2, lines 29-44); a local content catalog comprising information on the one or more content objects stored on the content server (page 3, column 1, lines 13-16); and location information for the plurality of remotely-located content exchanges (page 1, column 1, lines 11-14 and 24-26).

Kangasharju et al. does not teach a content source. Ahuja et al. teaches a content source providing a content object (column 3, lines 61-64). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the location data system of Kangasharju et al. by having a content source because the content stored on the content server and replicated servers must be provided from some source that creates the content.

Regarding claim 3 and 11, Kangasharju et al. teaches the content serving system for tracking content objects stored on the plurality of remotely-located content exchanges of claim 1 and 9 (page 1, column 1, lines 2-9).

Kangasharju et al. does not teach a content source. Ahuja et al. teaches wherein the content source is one of a live web cam, a video or audio feed, a data object, a data stream, a video tape or audio tape, an optical or magnetic disk (column 3, lines 61-64). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to

Art Unit: 2141

modify the location data system of Kangasharju et al. by having a content source because the content stored on the content server and replicated servers must be provided from some source that creates the content.

Regarding claim 2, Kangasharju et al. teaches the content serving system for tracking content objects stored on the plurality of remotely-located content exchanges of claim 1, further comprising location information for the plurality of remotely-located content exchanges (page 1, column 1, lines 11-14 and 24-26).

Regarding claim 4 and 12, Kangasharju et al. teaches the content serving system for tracking content objects stored on the plurality of remotely-located content exchanges of claim 1 and 10, further comprising a content manager coupled to the local content catalog and the content location information (page 4, column 1, line 37)..

Regarding claim 6 and 14, Kangasharju et al. teaches the content serving system for tracking content objects stored on the plurality of remotely-located content exchanges of claim 1 and 9, wherein the content location information comprises a location of a content exchange that has a copy of the content object (page 1, column 1, lines 11-14 and 24-26 and page 3, column 1, lines 4-11).

Regarding claim 7 and 15, Kangasharju et al. teaches the content serving system for tracking content objects stored on the plurality of remotely-located content exchanges of claim 1 and 9, wherein the local content catalog comprises information on one or more content objects published to the Internet (page 3, column 1, lines 13-16 and column 2, lines 30-31).

Regarding claim 8 and 16, Kangasharju et al. teaches the content serving system for tracking content objects stored on the plurality of remotely-located content exchanges of claim 1

Art Unit: 2141

and 9, wherein the content location information comprises location information on one or more content object portions (page 2, column 2, lines 29-44 and page 9, column 1, lines 23-24).

Regarding claim 10, Kangasharju et al. teaches the content serving system for tracking content objects stored on the plurality of remotely-located content exchanges of claim 9, further comprising content location information remotely located from the content exchanges and comprising location information for the copies and partial copies (page 9, column 1, lines 23-24).

3. Claims 5 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Non-Patent Literature, "Locating Copies of Objects Using the Domain Name System" to Kangasharju et al. in view of Ahuja et al. as applied to claims 1-4, 6-12, and 14-16 above, and further in view of Lindbo et al.

Regarding claim 5 and 13, Kangasharju et al. in view of Ahuja et al. teaches the content serving system for tracking content objects stored on the plurality of remotely-located content exchanges of claim 4 and 12 (page 1, column 1, lines 2-9 of Kangasharju et al.).

Kangasharju et al. in view of Ahuja et al. does not teach that the content exchanges are across the Internet from the content server. Lindbo et al. teaches wherein the plurality of remotely-located content exchanges are across the Internet from the content server (Fig.3). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the content manager of Kangasharju et al. in view of Ahuja et al. by having the content exchanges across the Internet from the content server because the exchanges should not be local to the content server. The purpose of the exchanges is to be in remote locations away from the content server therefore providing replicated info quicker and more efficiently.

Art Unit: 2141

***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to content managers in general:

US Pat. No. 6,185, 598 to Farber et al.

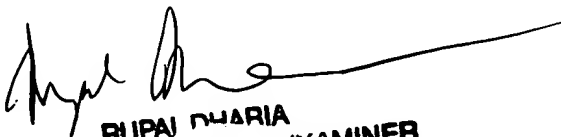
US Pat. No. 6,154,744 to Kenner et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L Baugh whose telephone number is 703-305-5317. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal D Dharia can be reached on 703-305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ALB

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER